



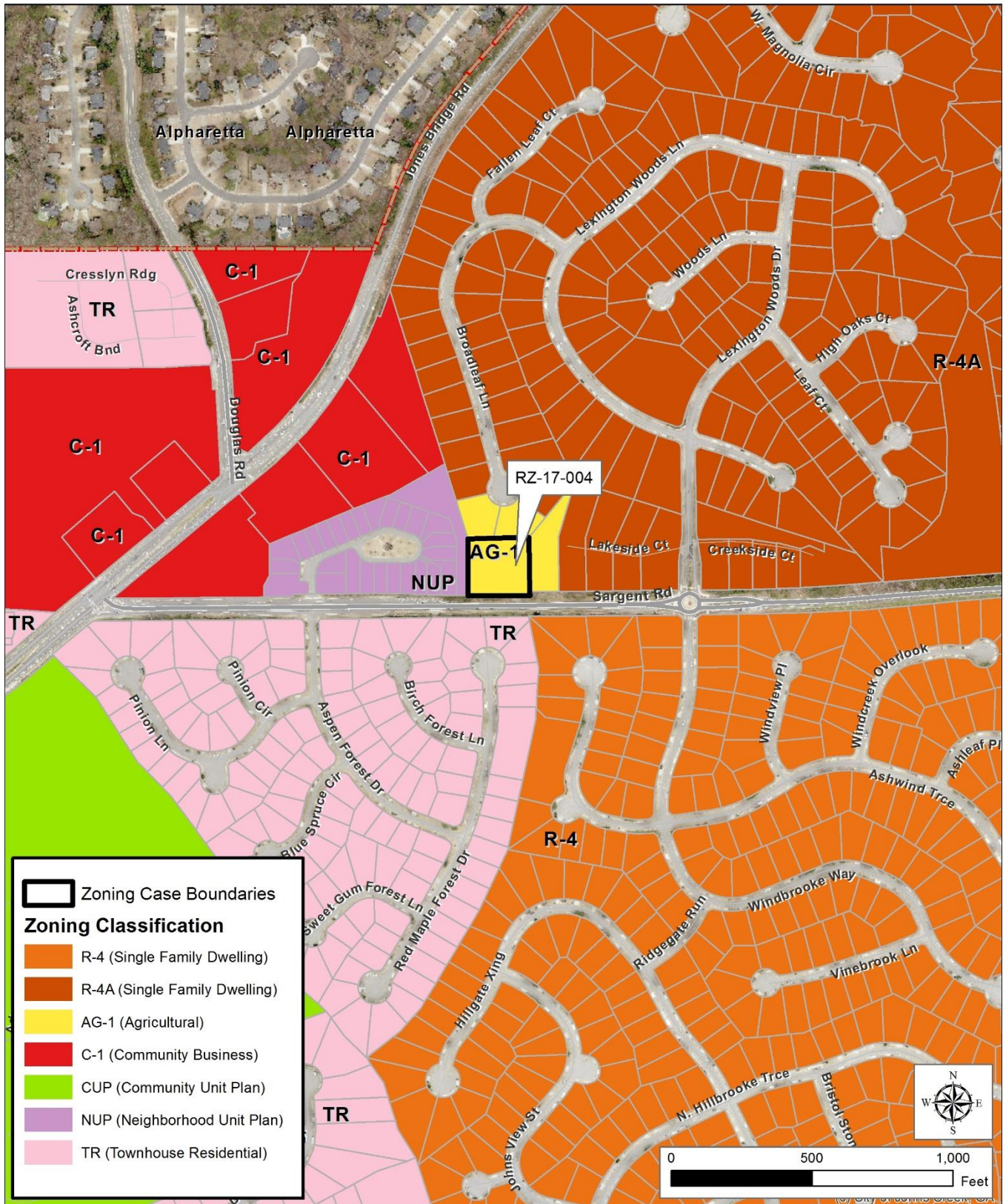
Land Use Petition RZ-17-004

Date of Staff Recommendation Preparation: January 17, 2017

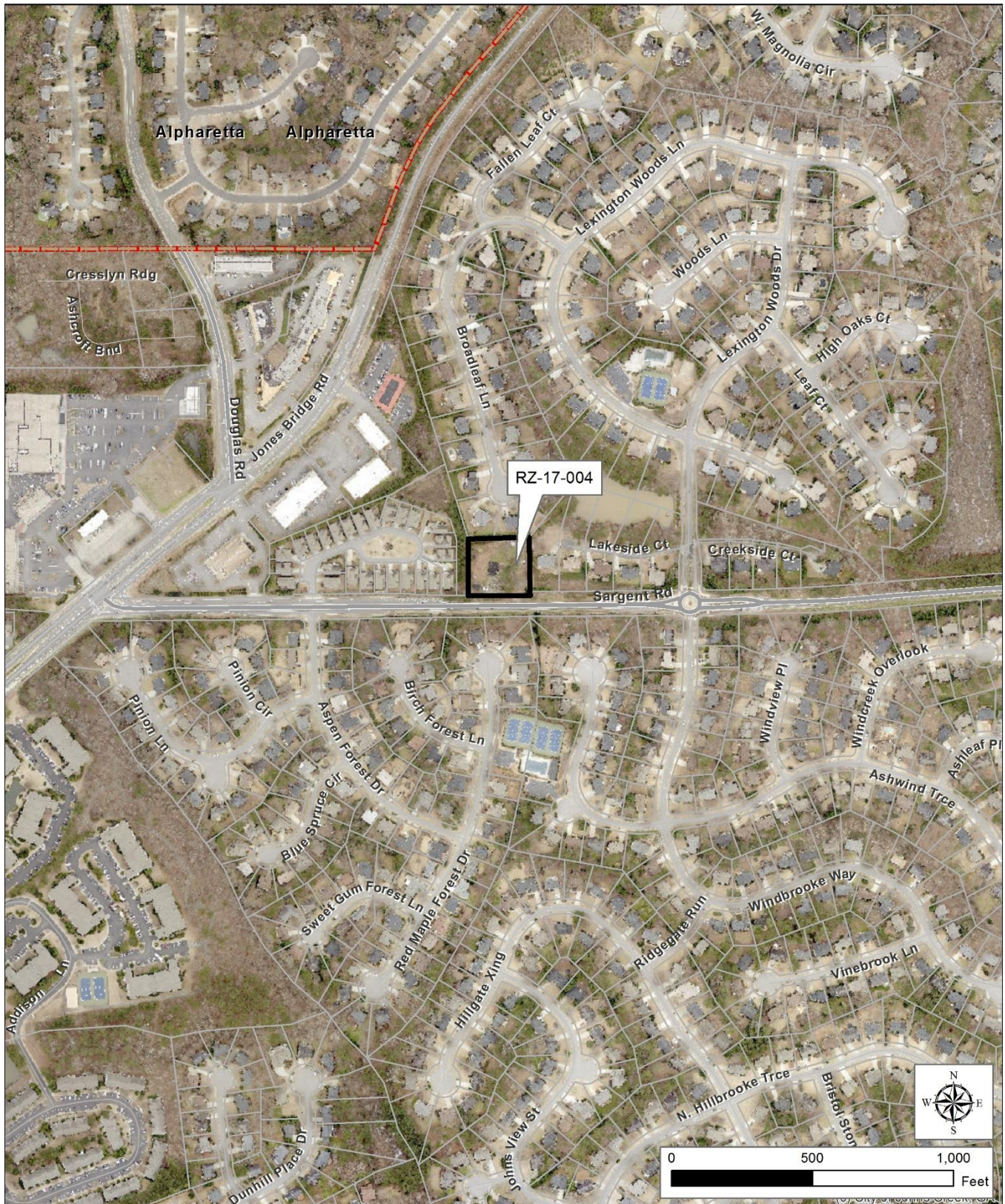
Date of Planning Commission Recommendation: February 13, 2017 (KLA)

PROJECT LOCATION:	5400 Sargent Road
DISTRICT/SECTION/LANDLOT(S):	1 st District, 1 st Section, Land Lots 233 and 271
ACREAGE:	1.03 acres
EXISTING ZONING	AG-1 (Agricultural District)
PROPOSED ZONING:	R-3 (Single Family Dwelling District)
FUTURE DEVELOPMENT MAP DESIGNATION:	Character Area 12: Johns Creek North
APPLICANT:	Steve Rajabi 330 White Rose Trail Alpharetta, GA 30005 Contact: Steve Rajabi 404-213-4816
OWNER:	Steve Rajabi 330 White Rose Trail Alpharetta, GA 30005
PROPOSED DEVELOPMENT:	2 Single-Family homes.
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS OF RZ-17-004
PLANNING COMMISSION RECOMMENDATION:	APPROVAL WITH CONDITIONS OF RZ-17-004

RZ-17-004



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PROJECT OVERVIEW

The applicant is requesting to rezone one parcel along Sargent Road, east of the Jones Bridge Road/Sargent Road intersection from AG-1 (Agricultural District) to R-3 (Single-Family Dwelling District) to allow for the construction of two single family dwellings. The parcel is approximately 1.01 acres.

Proposed lots would conform in size to the minimum development standards for the R-3 zoning district, which is 18,000-square feet. The site plan indicates there will be two curb cuts from Sargent Road. The Future Development Map shows the site within Character Area 12: Johns Creek North. The site is currently agriculturally zoned with a single-family dwelling on it. The entire site is open grassed with sparse trees. The site plan indicates a 20-foot wide sanitary sewer easement that will access both dwellings when constructed. The minimum lot size in the R-3 zoning district is 18,000-square-feet. The site plan proposes two lots that are both approximately 22,000-square feet. The applicant has stated that they anticipate the development to consist of five-bedroom homes at a minimum of 3,500-square feet. Proposed materials include brick with stone accents and architectural grade asphalt shingles. Photographs representing proposed architectural elevations have been provided.

Andover, Lexington Woods, Windgate, The Forest, and commercially zoned properties are immediately adjacent of the subject property in all directions. Andover, to the west, is zoned NUP, has a maximum density of 4.99 units/acre. Lexington Woods is located to the north and east of the subject property, is zoned R-4A, and has a maximum density of 2 units/acre. To the southeast is Windgate, an R-4 zoned single family subdivision, with a maximum of 2.9 units/acre. The Forest is a townhouse residential community, zoned TR, with a density of 3.3 units per acre. The proposed two single family houses are an appropriate use for this location, as they are harmonious in scale with the developments that surround this area with a density of 2 units/acre.

A neighborhood meeting was held for this application on Thursday, January 5, 2017. Approximately 12 citizens were in attendance. A few concerns were raised about the project, including the architectural features of the single-family dwellings.

STANDARDS OF REZONING REVIEW (STEINBERG ACT)

The surrounding zoning, land uses and development criteria are as follows:

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Adjacent: North/East	AG-1	Single-Family Residence	NA
Nearby: North	R-4A Conditional (1987Z-063)	Single-Family Residential Subdivision (Lexington Woods)	2 Units/Acre
Nearby: East	R-4A Conditional (1987Z-063)	Single-Family Residential Subdivision (Lexington Woods)	2 Units/Acre
Adjacent: Southeast	R-4 Conditional (1986Z-217)	Single-Family Residential Subdivision (Windgate)	2.9 Units/Acre
Adjacent: South	TR Conditional (1986Z-070)	Single-Family Residential (The Forest)	3.3 Units/Acre
Adjacent: Northwest	C-1 Conditional (1998Z-055)	Commercial Businesses	8,871 SF/Acre
Adjacent: West	NUP Conditional (2004Z-100)	Single-Family Residential Subdivision (Andover)	4.99 Units/Acre

- **Whether or not the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property?**

The City of Johns Creek Future Development Plan designates the property as Character Area 12: Johns Creek North. The R-3 zoning classification is intended to provide land use areas devoted to low density, single-family dwellings. The subject property is located on approximately 1.01 acres, on the eastern side of Jones Bridge Road, along Sargent Road, and is surrounded by residential areas in all directions. Single-family residential development is a suitable use in view of the use and development of these adjacent and nearby properties.

- **Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property?**

Single-family residential development at an appropriate scale and density would be unlikely to adversely affect the existing use or usability of adjacent or nearby property in this location. The Lexington Woods subdivision, zoned R-4A Conditional, is immediately to the north and east of the subject property. The permitted density is 2 units per acre. To the west is the Andover subdivision, which has a density of 4.99 units per acre. The two subdivisions to the south have a density of 2.9 units per acre and 3.3 units per acre. The proposed development's density of two units per acre is smaller than its surrounding properties and would not be unsuitable in view of the use and development of these adjacent and nearby properties.

The applicant has provided photographs representing proposed architectural elevations. The Department has recommended conditions requiring primarily brick or stone facades on both residences in order to minimize any potential adverse effects on adjacent or nearby properties.

- **Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?**

The subject property has a reasonable economic use as currently zoned.

- **Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?**

The proposed development of 2 residential units would be expected to generate an increase in automobile trips and utility usage. The applicant has provided trip generation estimates of between 26 and 27 peak-hour trips.

Fulton County Schools have provided the following new student generation estimates:

“The development as proposed would be unlikely to cause an excessive or burdensome use on streets, transportation facilities, utilities, or schools.”

- **Whether the proposal is in conformity with the policy and intent of the Comprehensive Plan including the land use element?**

The subject property is located in Character Area 12: Johns Creek North on the Future Development Map. The parcel is located within the smaller of the two activity nodes at Sargent Road and Jones Bridge Road, this activity node is to be neighborhood serving. Policies for this area call for the city to retain its single family suburban character. Residential development is encouraged at two to four units/acre and to incorporate in-fill/residential scale regulations into the Zoning Ordinance to ensure compatibility. Single-family residential development at 2 units/acre would be in conformity with the policy and intent of the Comprehensive Plan, so long as development proceeds in such a way as to be in harmony with existing residential areas. The density of the proposed development is smaller than its adjacent neighboring subdivisions.

- **Whether there are other existing or changed conditions affecting the use and development of the property which gives supporting ground for either approval or disapproval of the proposal?**

Surrounding residential uses would give supporting ground for approval of single-family residential development at the densities recommended by the Comprehensive Plan.

- **Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of the City of Johns Creek.**

The proposed single-family development will not be environmentally adverse to the natural resources, environment, and citizens of the City of Johns Creek.

STAFF ANALYSIS

Nearby and adjacent uses include several single-family detached residential neighborhoods, a townhouse development, and mixed commercial uses. This area is characterized by low- to medium-density single-family residential neighborhoods, including adjacent properties immediately to the north, east, south, and west of the project site. Immediately to the north and east of the parcel is Lexington Woods, a single-family residentially zoned subdivision, with a density of approximately 2 units per acre. The Windgate subdivision is located to the southeast of the site, with a density of 2.9 units per acre. To the south, is the Forest subdivision, its density is 3.3 units per acre. Adjacent to the property on the western side is Andover subdivision, zoned NUP with a density of 4.99 units per acre. The density of the two proposed single-family dwellings is 2 units per acre. This is the same as Lexington Woods, but lower than all other surrounding subdivisions. The proposed development is consistent in use and scale with these surrounding uses, and is not likely to have impacts on existing streets, transportation facilities, or utilities. The Fulton County School Board does not generate data for developments under four dwellings.

The City of Johns Creek Future Development Map identifies the property as being in Character Area 12: Johns Creek North. Policies for this area emphasize the protection of existing residential communities, with focus on the Jones Bridge/Abbotts Bridge Activity node because of its need for redevelopment. The smaller activity node, at Sargent Road and Jones Bridge Road, where the subject property is located, should be neighborhood serving. Another consideration is residential development to be limited to single-family homes and “context-sensitive” infill development at one to three units/acre. The proposed development meets these guidelines for use and density, however the housing specifications submitted by the applicant are likely to have a negative impact on existing residential communities, as the proposed density is higher than adjacent single-family areas.

In conclusion, the proposed two single-family residential dwellings is consistent with the overall goals and policies of the Johns Creek North Character Area and is suitable in terms of the use and development of adjacent and nearby property.

DEPARTMENT COMMENTS**PUBLIC WORKS**

- Owner/Developer shall provide a landing for the driveways at Sargent Road such that sight distance requirements are met. Curb cut locations are subject to the approval of the Director of Public Works.

WATER AND SEWER**WATER:**

Anticipated water demand: 270 gallons per day (gpd) per lot x 2 lots = **540** gallons per day (gpd).

This project is within the Fulton County Government water service jurisdiction. There is a 12 inch water line along the north side of Sargent Road that can service this location.

SEWER:

Basin: **Johns Creek**

Treatment Plant: **Johns Creek**

Anticipated sewer demand: **486** gallons per day

There is a sanitary sewer manhole located approximately 100 feet northwest of the northwestern property corner of the 1.0124 acre tract (5400 Sargent Road) (Sewer manhole # SMJC3521540) within "0' Aspen Forest Drive (Andover subdivision) in land lot 233, district 1-1 that can service this development. Unless the developer of 5400 Sargent Road can provide a copy of a recorded 20 foot wide sanitary sewer easement dedicated to Fulton County Government between 5400 Sargent Road and Sewer manhole # SMJC3521540, this property cannot be subdivided because any lots utilizing a private septic tank system must have a minimum of one acre per the Fulton County Government Health Department regulations.

Comments: This information does not guarantee that adequate sewer capacity is available at this time or will be available upon application of permits. Please contact the Department of Water Resources (Public Works) for more information.

FIRE MARSHAL

No Comments.

ARBORIST

1. Tree Ordinance and Administrative Guidelines requirements to be met through land disturbance permit. Landscape strips, density requirements, zoning buffers, and any specimen recompense are to be protected and/or planted per the Guidelines.
 - a. The tree density required for this site is 20 units per acre.
 - b. Landscape strip widths and zoning buffers are determined by zoning. Landscape strips are measured from the dedicated rights-of-way or interior property lines, and the planting requirements are found in the Administrative Guidelines.
 - i. Sargent Road requires a 25-foot landscape strip per the Zoning Ordinance.
 - c. Specimen-sized trees are defined as follows, and are required to be show on the land disturbance permit drawings:

- i. Large hardwoods = 27-inch dbh (Oak, hickory, Yellow Poplar, Sweetgum, etc.)
- ii. Large hardwood = 24-inch dbh (Beech)
- iii. Large softwoods = 24-inch dbh (Pine, Deodar Cedar)
- iv. Small native flowering = 10-inch dbh (Dogwood, Redbud, Sourwood)

SITE DEVELOPMENT

- 1) A Land Disturbance Permit (LDP) is required to develop the property. Development plans will have to comply with the Development and Zoning Regulations, Tree Preservation, Erosion & Sediment Control, Floodplain, Stream and Post-Development Stormwater Management Ordinances. A surety will be required for erosion control and any right of way improvements prior to issuance of land disturbance permit.
- 2) Fulton County Water and Sewer approval is required prior to issuance of land disturbance permit.
- 3) Water/ Sanitary/ Storm as-builts, and a stormwater maintenance agreement will be required prior to issuance of a Certificate of Occupancy.
- 4) A Stormwater Management (SWM) Report is required upon submittal of development plans. Show location of proposed SWM facility(s). If just one facility is proposed, then the maintenance agreement must be signed by both property owners or a joint ownership document must be prepared and recorded prior to Final Plat being recorded.
- 5) A surface Storm Water Management Facility must have 20' landscape strip and 10' access easement around entire perimeter. An underground Storm Water Management Facility must have a 10' access easement around the perimeter of the facility.
Identify location of 20' graded access easement to Stormwater Management facility from public access location

HEALTH AND WELLNESS

Environmental Health Services (EHS) Comments

- The Fulton County Department of Health and Wellness requires that plats be submitted for review and approval regarding water supply and sewage disposal prior to the approval by the appropriate jurisdiction and recording. The owner may not sell, offer for sale, lease, begin construction or begin physical improvements of a residential development, nor shall a building permit be issued until this Department has reviewed and approved the plat.
- The Fulton County Department of Health and Wellness will require that the owner/developer connect the proposed residential development to public water and public sanitary sewer which are available to the site.
- This department is requiring that all existing structures to be demolished be inspected by a certified pest control operator to insure that the premise is rat free. If evidence of rodent infestation is found, the property must be baited prior to demolition.
- If this proposed development includes an existing individual on-site sewage management system(s), and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.

- If this proposed development includes an existing individual onsite water supply system(s) and the system(s) will be abandoned, it shall be abandoned in accordance with Fulton County regulations.

Environmental Justice (EJ) and General Public Health Comments

1. Since the proposed use of the subject property is residential, the Department of Health and Wellness does not anticipate any adverse health impacts as a result of allowing the rezoning from AG-1 District Conditional to R-5A District Conditional to develop 22-unit single-family houses.

FULTON COUNTY BOARD OF EDUCATION

No Comments.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL** of Land Use Petition **RZ-17-004**.

1. Use of the subject property shall be limited to 2 single-family detached residential dwellings with a minimum lot size of 18,000-square feet each.
2. The site shall be developed in general accordance with the site plan received by the City of Johns Creek Community Development Department dated January 11, 2017.
3. Each dwelling shall consist primarily of brick or stone on all four facades with the balance being of wood shake or fiber-cement siding; final approval will be subject to the review and approval of the Community Development Director.
4. Dwellings shall have a minimum heated floor area of 3,000 square feet.
5. Owner/Developer shall provide a landing for the driveways at Sargent Road such that sight distance requirements are met. Curb cut locations are subject to the approval of the Director of Public Works.

PLANNING COMMISSION RECOMMENDATION

Based upon the findings and conclusions herein, at its February 7, 2017 public hearing, the Planning Commission recommends **APPROVAL WITH CONDITIONS** of RZ-17-004, subject to the following amended staff conditions: (additions = **bold**; deletions = strikethrough)

1. Use of the subject property shall be limited to 2 single-family detached residential dwellings with a minimum lot size of 18,000-square feet each.
2. The site shall be developed in general accordance with the site plan received by the City of Johns Creek Community Development Department dated January 11, 2017.
3. Each dwelling shall consist primarily of brick or stone on all four facades with the balance being of wood shake or fiber-cement siding; final approval will be subject to the review and approval of the Community Development Director.
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